

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

Criminal No. 4:18-cr-0009

MATTHEW FERGUSON)
and JOSHUA COLEMAN)

UNITED STATES'S STATEMENT OF FACTS IN SUPPORT OF PLEAS

The United States of America respectfully submits the following statement of facts in support of the guilty pleas of Defendants Matthew Ferguson and Joshua Coleman:

Had this case gone to trial, the government would have proven beyond a reasonable doubt that on Saturday, October 22, 2016, Matthew FERGUSON texted Juvenile A via Facebook Messenger and said that he and his cousin, Joshua COLEMAN, had alcohol. FERGUSON and the Juvenile A knew each other, and, although they had not socialized like this before, Juvenile A agreed to meet up with FERGUSON and COLEMAN.

At approximately 10:30-11:00 p.m., COLEMAN picked up Juvenile A and drove her to COLEMAN's house located in Danville, Virginia which is in the Western District of Virginia. There, FERGUSON and COLEMAN made alcohol drinks for Juvenile A from multiple different bottles, and all three smoked K-2, a synthetic form of marijuana. At some point, Juvenile A passed out, waking up early the next morning, around 2-3:00 am. When Juvenile A woke up, Juvenile A did not feel right, and asked FERGUSON and COLEMAN to transport Juvenile A to

the emergency room. They dropped Juvenile A off outside of the hospital and drove away from the building. At the hospital, Juvenile A was treated for alcohol poisoning.

A few weeks later, Juvenile A saw on Facebook at least two videos showing Juvenile A having sexual intercourse with FERGUSON and COLEMAN, which the United States now possesses. In one video, FERGUSON is having vaginal intercourse with Juvenile A while COLEMAN films the event on a cellphone. Towards the end of the video, Juvenile A appears unresponsive. In the second video, COLEMAN is having vaginal intercourse with Juvenile A while she performs oral sex on FERGUSON. During the video, COLEMAN is holding a cellphone in an outstretched arm and recording the event while it occurs. At one point, the cellphone records FERGUSON looking at the camera and, at another moment, COLEMAN looks directly at the camera and makes a face.

Juvenile A does not recall the sexual assault and did not give permission for the sexual contact or the filming of it. At the time of the filming, Juvenile A was 15 years old.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been filed with the Clerk in the courtroom and a copy provided by hand to all counsel for the Defendants, on this 25th day of October, 2018.

s/Heather L. Carlton

Assistant United States Attorney